

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

DON WHEELER, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 2:13CV39 RWS
)	
AMERICAN ECONOMY INS. CO.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before me on plaintiffs’ motion to amend their complaint. In this removed case, plaintiffs seek leave to join Wal-Mart Stores East, L.P. as a defendant. The asserted basis for removal of this case was diversity jurisdiction under 28 U.S.C. § 1332. Plaintiffs’ proposed amended complaint does not properly plead citizenship of the proposed additional defendant. See Carden v. Arkoma Assocs., 494 U.S. 185, 187 (1990). Because plaintiffs’ complaint does not plead the citizenship of all the members of the proposed limited partnership defendant, I cannot determine whether granting leave to amend would destroy this Court’s subject matter jurisdiction, requiring remand. See 28 U.S.C. § 1447(e) (“If after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court.”). For this reason, I will deny leave to amend without prejudice. Plaintiffs may again seek leave to amend by filing a motion and attaching a proposed amended complaint that properly pleads the citizenship of all parties, including the proposed additional defendant.¹

¹Plaintiffs’ state-court petition did not properly plead the citizenship of defendant American Economy, either, but as the removing party set out the basis for determining diversity jurisdiction in its Notice of Removal, the Court was able to determine the basis for subject-matter

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for leave to amend [#19] is denied without prejudice.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 19th day of September, 2013.

jurisdiction. Plaintiffs' proposed amended complaint should properly plead the citizenship of all parties, including defendant American Economy.